

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive  
Chicago, Illinois 60601

Michael I. Cohen  
To Call Writer Directly:  
312-469-7011  
mlcohen@kirkland.com

(312) 861-2000

www.kirkland.com

Facsimile:  
(312) 861-2200  
Dir. Fax: 312-660-0406

January 24, 2008

## VIA FACSIMILE

Honorable Judge Charles L. Brieant  
United State District Judge for the Southern  
District of New York  
United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150  
Fax: (914) 390-4085

**MEMO ENDORSE**

Re: *Motorola, Inc. v. Digital Technology Licensing LLC*, Civil Action No. 07-10436

Dear Judge Brieant:

I write on behalf of Motorola, Inc. with a request to withdraw, without prejudice, Motorola's Amended Motion to Dismiss, or in the Alternative, to Sever and Stay Digital Technology Licensing LLC's Third-Party Complaint ("Amended Motion"), filed on January 9, 2008 (Docket Nos. 21-23).

On January 9, 2008, Motorola filed its Amended Motion with a return date of February 15, 2008. There has been no additional briefing by the parties since submission of Motorola's Amended Motion. However, on January 10, 2008, Digital Technology Licensing LLC ("DTL") filed its Notice of Dismissal of Third-Party Claims Against Sprint Nextel Corporation, Celco Partnership d/b/a Verizon Wireless, and T-Mobile USA, Inc. (Docket No. 24). DTL's Notice of Dismissal essentially afforded Motorola the relief it sought in the Amended Motion and, therefore, the Amended Motion and February 15, 2008 return date are no longer necessary at this time. Accordingly, Motorola seeks to withdraw, without prejudice, its Amended Motion. Motorola has conferred with counsel for DTL and DTL does not oppose the withdrawal of Motorola's Amended Motion.

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*Applicator granted. Motion #16 and #21 are withdrawn and should be term'd. So Ordered Jan 24, 2008. Ch. L. Brieant*

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Very truly yours,



Michael I. Cohen

cc: Steven L. Procaccini, Esq.  
(Counsel of record for Defendant Digital Technology Licensing LLC) (via facsimile)